

Additional works in a building contract

Abstract

The presented thesis deals with the issue of additional works within the building contract, which are one of the most common causes of disputes between the contractor and the client. Its aim is to comprehensively present the issue of additional works, especially to define the term of additional works, to analyze their impact on the subject of the work, the time for completion and the price of the work. Last but not least, to analyze the legal regulation of additional works in the FIDIC contractual conditions.

In the first, general, part of the thesis, attention is focused on the definition of the term of additional works, i.e. works that are performed in addition, beyond the original building contract and to distinguish them from changes of the work. Furthermore, the distinction of individual types of additional works or the causes of their origin, which can include, for example, the requirements of the client, the contractor's actions, defects in project documentation or unpredictable conditions of the building site.

The second, special, part of the thesis is focused on partial controversial issues related to additional works. In particular, it is a question of amending the contract and the related issue of the invalidity of the amendment to the contract or persons authorized to negotiate additional works, as well as the question of postponing the deadline for the completion of a work or unjust enrichment. This part also includes the issue of determining the price of the work. In construction practice, the price is frequently determined according to the full budget, when the parties cannot request its change due to a change in the expected cost or effort of the work. However, there are other ways to determine the price of a work, such as a fixed price, an incomplete or non-binding budget, and others. Analysis of additional works within the FIDIC contractual conditions and especially then the possibility of preventing disputes between the contracting parties is done in the last chapter of the thesis.

In the scope of the whole thesis, emphasis is placed on a detailed legal analysis of the case law, especially the Supreme Court of the Czech Republic, and to better illustrate the issue, the thesis is supplemented by a real or fictitious case study.

Keywords: additional works, building contract, change of work